

ORIGINAL

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12/07/2016

Anderson, Diane

*Ed Smith*

CLERK OF THE SUPREME COURT  
STATE OF MONTANA  
Case Number: AF 09-0688

**From:** Montana Family Foundation <communications@montanafamily.org> on behalf of  
Esther Fishbaugh <communications@montanafamily.org>  
**Sent:** Tuesday, December 6, 2016 1:04 PM  
**To:** Court, SCclerk  
**Subject:** Over reach of rule 8.4(g)

Dec 6, 2016

Honorable Ed Smith  
P.O. Box 203003  
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

This rule change is a grave infringement on lawyers free speech right and a massive overreach into their private lives in trying to limit their conduct, speech and even beliefs.

America's free speech guarantee also means that every one of us will have to tolerate speech with which we do not agree. This rule is prohibiting speech and criticism of issues that are not settled or likely to be settled in American society and creating a favored viewpoint over all others. That is anti-American; it stifles meaningful debate by dictating penalties for contrary positions.

By protecting select issues from rigorous discussion and debate we end up with skewed understandings of that issue. Debate should be rigorous and ideals made into law should be thoroughly vetted by hearing all sides.

Americans are tougher than this law realizes and do not shy away from dissent. It is a grave error to muzzle lawyers from the robust interaction needed to cleanse our laws of detritus or to participate in our country's public stage of the free exchange of ideas.

The rule is too broadly written with commonsense application missing.

Do not remove the phrase that limits the consideration to just that speech or conduct that is knowingly engaged to pervert the administration of justice. That is the crucial restraint to the broad overreach this rule now contains.

I hope you'll reject this rule change.

Sincerely,

Ms. Esther Fishbaugh  
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